

## The Continuation and Changes of Legal Forms between the Tang and the Song Dynasties

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### Abstract

After middle period of the Tang Dynasty, the legal form changed. The Ge of Tang Dynasty had given play to the positive function of making changes according to specific conditions in the course of this change. The imperial decrees that were issued by the emperor did not possess the law to render a service for ever , only if they passed certain legislative procedure , they were made to put in order definitely and gotten rid of the content of repeating the contradiction among them. Then they would become the formal laws. Imperial decree made after the Kaiyuan years of the Tang Dynasty , which regarded the laws and decrees form of the 25<sup>th</sup> year of Kaiyuan as the datum, was a kind of comprehensive legal norm. Adopting the method of the Tang Dynasty, Song Dynasty kept the form of law arranged and adopted the external legal form --imperial decree --to amend it supplementarily. But the Law in the Tang and Song Dynasties was a current legal form all along. It had not been replaced by other legal forms.

In the earlier period of the Northern Song Dynasty, the compiled imperial decrees existed with amending and supplementing to the Law, Decrees, Ge and Type. After the Yuanfeng years of the Song Dynasty, the comprehensive imperial decree had passed out of existence. The imperial decree was only a criminal law, which only amendd laws supplementarily. Law was kept and refused to change. In the Song Dynasty, supplementary

and revising the form in which the laws and decrees did not adopt the Ge of the Tang Dynasty again. Amending and compiling the imperial decree in a large amount. The Orders of the Song Dynasty comes down in a continuous line with the Orders of the Tang Dynasty. The legal form of the Ge of the Tang Dynasty had been replaced by the legal form of Ge of the Song Dynasty gradually. During the Song Dynasty, the Ge did not possess and carry on the supplementary and function amendd to the current laws. The Ge of the Song Dynasty was a social estate system which was set up to be used for comparing and judging in order to implement every measure of imperial court correctly. During the Song Dynasty. The Type was not totally implementing regulations. There are greater differences between it and the one of the Tang Dynasty. Under the laws and decrees system in the Tang Dynasty, the application of the example was not big in scale. A large amount of application of the Example was in the Song Dynasty. In fact ,the statement in the Song Dynasty was a explanation made toward some laws of legislative body of imperial court. It had a supplementary function revising the laws. But the statement itself couldn't form the independent legal form. In the Song Dynasty,so-called " command " that was compiled compiled by the legislative procedure and put in order and amend.Then it could become a law that render a service for ever. Laws and decrees system of the Sui and the Tang dynasties had not withdrawn from the historical stage during the Song Dynasty. The legal system of the Song Dynasty was continuity and development of the system of laws and decrees of the Tang Dynasty.

Keywords: the Tang and the Song Dynasty, Legal Form, Law Decrees, Ge and Type, Imperial decree after the Ge, Compiled Imperial Decree Example